

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

Civil Action No. 3:23-CV-641-L

v.

**AARON CAIN MCKNIGHT; BPM GLOBAL
INVESTMENTS, LLC; BPM ASSET
MANAGEMENT, LLC; SHERRY REBEKKA
SIMS; KENNETH MILLER; FROST and
MILLER, LLP; AND HARMONY BROOKE
MCKNIGHT,**

Defendants,

-and-

**ACCELERATED VENTURE PARTNERS,
LLC; and TIMOTHY NEHER,**

Relief Defendants.

JOINT RULE 26(f) CONFERENCE REPORT AND PROPOSED DISCOVERY PLAN

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiff U.S. Securities and Exchange Commission ("SEC of Plaintiff"), and *pro se* defendants Aaron Cain McKnight and Harmony Brooke McKnight (the "McKnight Defendants"; together with the SEC, the "Attending Parties"), met and conferred via teleconference on May 16, 2024. The Attending Parties respectfully submit this Joint Rule 26(f) Conference Report and Proposed Discovery Plan.

The Proposed Discovery Plan as discussed and agreed by the Attending Parties at the May 16, 2024 Rule 26(f) Conference is as follows:

	Deadline
Initial Disclosures per Rule 26(a)	June 7, 2024
Service of Initial Discovery Requests	June 14, 2024
Joining Additional Parties, Amending Pleadings, or Moving for Leave to Do So	November 14, 2024
Completion of Fact Discovery	March 14, 2025
Expert Reports Due	May 14, 2025
Responding Expert Reports Due	June 13, 2025
Close of Expert Discovery	August 14, 2025
Deadline for Dispositive Motions	October 14, 2025
Pretrial Conference	At a time to be determined by the Court, no sooner than 30 days following any rulings on dispositive motions
Trial date	The later of February 14, 2026, or 30 days following any pretrial conference ordered by the Court

In addition to the proposed discovery schedule, the Attending Parties discussed the following matters during the Rule 26(f) Conference:

- Next steps for potential settlement discussions
- The McKnight Defendants' ECF registration status
- Duty to preserve discoverable documents and information
- Preferred formats for document production
- Discovery scope and limitations, including:
 - Subjects on which discovery may be needed include all claims and defenses regarding the McKnight Defendants.
 - The Attending Parties conferred about a Stipulated Protective Order regarding confidential materials, which they will submit to the Court for review and approval once they have reached an agreement.

- The Attending Parties propose that each side be allotted 15 depositions, reserving the right to later seek approval to take additional depositions if needed. The Attending Parties believe that this number is appropriate because of the complexity of the issues involved, as well as the fact that the complaint alleges three separate schemes against the McKnight Defendants, and most witnesses would only be knowledgeable about one of the schemes.

Counsel Statements

Other parties to this litigation did not attend the Rule 26(f) Conference for the following respective reasons:

- **Defendants BPM Global Investments, LLC and BPM Asset Management, LLC (the “BPM Entity Defendants”).** The Clerk of Court entered defaults against these two entity defendants on September 6, 2023. Dkt. 36; *see also* Dkt. 50.

Statement by Plaintiff’s counsel: For the sake of efficiency and to conserve judicial resources, the SEC plans to move for default judgment against the BPM Entity Defendants once discovery is completed with respect to the other defendants also alleged to have been involved in the PPE Scheme.

- **Defendant Sherry Rebekka Sims.** The Court entered a consent judgment as to liability against Defendant Sims on July 18, 2023. Dkt. 29.

Statement by Plaintiff’s counsel: For the sake of efficiency and to conserve judicial resources, the SEC plans to move for remedies against Defendant Sims once liability is determined with respect to all other defendants.

- **Defendants Kenneth Miller and Frost and Miller, LLP (“F&M Defendants”).**

Statement by F&M Defendants’ counsel: The F&M Defendants and the Commission’s counsel of record have agreed to principle terms that, if approved by the Commission, would resolve all allegations in the Complaint against them. They are currently negotiating the language of the settlement documents which, assuming finalized, will be presented to the Commission for approval. The F&M Defendants anticipate the parties will reach a final agreement and submit a proposed final judgment to the Court. In the event the parties cannot reach a final agreement, the deadlines proposed by the Attending Parties for the “Initial Disclosures per Rule 26(a)” and the “Service of Initial Discovery Requests” are not agreeable to the F&M Defendants. The other proposed deadlines are agreeable. The F&M Defendants further note that the Court’s rules do not require a Fed. R. Civ. P. 26(f) meeting.

- **Relief Defendant Accelerated Venture Partners, LLC (“AVP”).**

Statement by Plaintiff’s counsel: The SEC filed a request for an entry of default against Relief Defendant AVP on May 29, 2024. Dkt. 51. Assuming that request is granted, for the sake of efficiency and to conserve judicial resources, the SEC plans to move for default judgment against AVP once discovery is completed with respect to the other defendants also alleged to have been involved in the RIA Scheme.

- **Relief Defendant Timothy Neher.**

Statement by Plaintiff’s counsel: To date, the SEC has been unable to successfully serve Relief Defendant Neher. The SEC continues to attempt to

serve him, but may seek to move for authorization of alternative service if necessary.

Plaintiff's counsel circulated a draft of this Joint Report to the *pro se* McKnight Defendants and to counsel for the F&M Defendants for their review prior to filing. Counsel for the F&M Defendants provided the text for their statement above regarding F&M Defendants' absence from the Rule 26(f) Conference and confirmed they otherwise do not object to this filing. The McKnight Defendants agreed via email that all statements in this document regarding them are correct.

Dated: May 29, 2024

Respectfully submitted,

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION**

/s/ Anna O. Area

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CERTIFICATE OF SERVICE

On May 29, 2024, I filed the foregoing Request for Entry of Default with the Clerk of Court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on all *pro se* parties of record, including the McKnight Defendants, by a manner authorized by Federal Rules of Civil Procedure 5(b)(2).

/s/ Anna O. Area
Anna O. Area
Counsel for Plaintiff